

**SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM****SUBJECT:** CJAM Office Rezone & Small Scale Land Use Amendment**DEPARTMENT:** Planning and Development **DIVISION:** Planning**AUTHORIZED BY:** Dori DeBord**CONTACT:** Joy Williams**EXT:** 7399**MOTION/RECOMMENDATION:**

1. Approve and enact an ordinance for a Small Scale Land Use Amendment from High Density Residential (HDR) to Office (OFF) and Rezone from R-3 (Multi-Family Residential) to PUD (Planned Unit Development) on .51 acres located at the intersection of CR 419 and W 7th Street, and approval of the attached preliminary Master Plan, subject to the conditions in the attached Development Order, based on staff findings; (Jack Reynolds, applicant); or
2. Deny the request for a Small Scale Land Use Amendment from High Density Residential (HDR) to Office (OFF) and Rezone from R-3 (Multi-Family Residential) to PUD (Planned Unit Development) on .51 acres located at the intersection of CR 419 and W 7th Street; (Jack Reynolds, applicant); or
3. Continue until a time and date certain.

District 1 Bob Dallari

Joy Williams

BACKGROUND:

The applicant proposes to develop a 2,500 sq ft professional office building that would allow for those uses permitted under the OP (Office) zoning district; such as dental, medical, and general office buildings providing professional business services.

The adjacent properties have a High Density Residential Future Land Use and a R-3 (Multi-Family Residential) zoning classification. Per the Seminole County Comprehensive Plan; the proposed Office Future Land Use serves as an appropriate transitional use between High Density Residential Uses and low intensity non-residential office uses.

The applicant has proposed some modifications from the required active/passive buffer setback design standards; those modifications are shown in the table below:

Property Line	Requirement per Land Development Code Sec. 30.1232	Proposed
North Property Line Along Building	25-ft Building Setback, 15-ft Landscaped Buffer Yard, 6-ft Brick/Masonry Wall, 5 Canopy trees	10-ft Building Setback, 10-ft Landscaped Buffer Yard, 6-ft Wood Stockade Fence, 8 Canopy trees
North Property Line Along Parking	25-ft Landscaped Buffer Yard, 6-ft Brick/Masonry Wall, 3 Canopy trees	5-ft Landscaped Buffer Yard, 6-ft Wood Stockade Fence, 4 Canopy trees
North Property Line	15-ft Landscaped Buffer Yard, 6-ft	10-ft Landscaped Buffer Yard,

Along Retention	Brick/Masonry Wall, 6 Canopy trees	Combination of 6-ft Masonry Wall & 6-ft Wood Stockade Fence, 6 Canopy & 6 Understory trees
West Property Line Along Retention	15-ft Landscaped Buffer Yard, 6-ft Brick/Masonry Wall, 4 Canopy Trees	20-ft Landscaped Buffer Yard, 6-ft Masonry Wall, 4 Canopy & 3 Understory trees
West Property Line Along Parking	25-ft Landscaped Buffer Yard, 6-ft Brick/Masonry Wall, 6 Canopy trees	20-ft Landscaped Buffer Yard, 6-ft Masonry Wall, 5 Canopy & 5 Understory trees

The subject site is within the Chuluota Non-Residential Design Area overlay and must meet all required design guidelines. Staff finds that the requested rezone and land use amendment are compatible with the surrounding uses and existing development patterns of the area.

Planning and Zoning Commission Recommendation

The Planning and Zoning Commission met on August 5th, 2009, and voted unanimously to recommend approval of the request for a Small Scale Land Use Amendment from High Density Residential (HDR) to Office (OFF) and Rezone from R-3 (Multi-Family Residential) to PUD (Planned Unit Development) on .51 acres located at the intersection of CR 419 and W 7th Street, and approval of the attached preliminary Master Plan, subject to the conditions in the attached Development Order, based on staff findings.

STAFF RECOMMENDATION:

Staff recommends that the Board approve and enact an ordinance for a Small Scale Land Use Amendment from High Density Residential (HDR) to Office (OFF) and Rezone from R-3 (Multi-Family Residential) to PUD (Planned Unit Development) on .51 acres located at the intersection of CR 419 and W 7th Street, and approval of the attached preliminary Master Plan, subject to the conditions in the attached Development Order, based on staff findings.

ATTACHMENTS:

1. Staff Report
2. Future Land Use Zoning Map
3. Aerial Map
4. Preliminary Master Plan
5. Justification Statement
6. Ownership Disclosure Form
7. Development Order
8. Denial Development Order
9. Land Use Ordinance

10. Rezone Ordinance

11. P&Z Minutes

Additionally Reviewed By:

☒ County Attorney Review (Kathleen Furey-Tran)

CJAM Office Small Scale Land Use Amendment from HDR to OFF Rezone from R-3 to PUD		
APPLICANT	Jack Reynolds	
PROPERTY OWNER	CJAM Holdings, LLC; Mark Bessette	
REQUEST	Small Scale Land Use Amendment from HDR (High Density Residential) to OFF (Office) and a rezone from R-3 (Multi-Family Residential) to PUD (Planned Unit Development).	
PROPERTY SIZE	.51 ± acres	
HEARING DATE (S)	P&Z: August 5, 2009	BCC: September 15, 2009
PARCEL ID	21-21-32-5CF-5200-0010 & 21-21-32-5CF-5200-0220	
LOCATION	Located at the intersection of CR 419 and W 7 th Street	
FUTURE LAND USE	HDR (High Density Residential)	
ZONING	R-3 (Multi-Family Residential)	
FILE NUMBER	Z2008-10	
COMMISSION DISTRICT	#1 – Dallari	

PROPOSED DEVELOPMENT:

The applicant is proposing a 2,500 square foot professional office building to be utilized in accordance with certain selected permitted uses under the OP (Office) district, such as dental and medical clinics, general office buildings, insurance, real estate, accounting, and other professional business services.

ANALYSIS OVERVIEW:

ZONING REQUEST

The following table depicts the minimum regulations for the current zoning district of R-3 (Multi-Family Residential) and the requested zoning district of PUD (Planned Unit Development).

DISTRICT REGULATIONS	Existing Zoning (R-3)	Proposed Zoning (PUD)
Minimum Lot Size	13 DU/AC	None
Minimum House Size	None	None
Minimum Width at Building Line	None	None
Front Yard Setback	25 feet	15 feet/50 feet
Side Yard Setback	25 feet	10 feet
Rear Yard Setback	25 feet	30 feet
Maximum Building Height	35 feet	35 feet

COMPATIBILITY WITH SURROUNDING PROPERTIES

The properties to the north, west and south have an HDR (High Density Residential) Future Land Use designation and an R-3 (Multi-Family Residential) zoning classification. Per the Seminole County Comprehensive Plan; the proposed Office Future Land Use serves as an effective transitional use between High Density Residential Uses and low intensity non-residential office uses. The subject site is within the Chuluota Non-Residential Design Area overlay and will be required to meet all applicable design guidelines. Staff finds that the requested rezone and land use amendment are compatible with the surrounding uses and existing development patterns of the area.

CONSISTENCY WITH THE COMPREHENSIVE PLAN:

FLU Element Plan Amendment Review Criteria:

The Future Land Use Element of the Comprehensive Plan establishes certain criteria for evaluating proposed future land use amendments, including an individual site compatibility analysis using the following criteria:

A. Whether the character of the surrounding area has changed enough to warrant a different land use designation being assigned to the property.

Staff Evaluation

The subject property is within an area of moderate to higher intensity land uses, both residential and nonresidential, within the Chuluota community. Nearby uses include multi-family and commercial sites, as well as vacant properties zoned for residential densities up to 20 units per acre. The character of the immediate area surrounding the site does not appear to have changed significantly in recent years, but the proposed amendment is in keeping with densities and intensities of existing and permitted development. Staff finds that the character of the surrounding area warrants an amendment from the existing High Density Residential (HDR) designation assigned to the property to the Office designation being proposed.

B. Whether public facilities and services will be available concurrent with the impacts of development at adopted levels of service.

Staff Evaluation

Documentation from the water provider indicates an ability to serve the needs of the 2,450 square foot office building proposed through the rezoning application. However, the future land use amendment would create the potential for a higher intensity of development, up to a floor area ratio (FAR) of 0.35. At this time Aqua Utilities does not have sewer capacity and the applicant is proposing a septic system; however, they wish to connect if there is capacity at time of site plan. Solid waste and transportation facility capacities appear adequate to serve the development. The project must undergo concurrency review prior to final engineering approval and must meet all concurrency standards to proceed.

The following table provides adopted level of service (LOS) standards for public services and facilities and potential impacts of the proposal.

Facility or Service	Potential Impacts*
Potable Water Facilities LOS: 350 gpd equivalent residential connections (ERC)	13.6 ERCs x 350 gpd = 4760 gpd
Sanitary Sewer Facilities LOS: 300 gpd equivalent residential connections (ERC)	13.6 ERCs x 300 gpd = 4080 gpd
Recreation LOS: 3.6 total acres/1,000 population 1.8 developed acres/1,000 population	Not applicable
Mass Transit LOS: 1.03 revenue miles/capita	No mass transit service provided to this site
Solid Waste LOS: County Landfill LOS: 4.2 lbs/capita/day County Transfer: LOS Station 4.3 lbs/capita/day	653.1 lbs./day
Transportation Level of Service: CR 419: LOS 'A' W. 7 th St.: LOS 'A'	281 Trips/day
Schools	Not applicable

*Estimates based on allowable intensity of 0.35 FAR for Office future land use per Seminole County Comprehensive Plan.

C. Whether the site is suitable for the proposed use and will be able to comply with flood prone regulations, wetland regulations and all other adopted development regulations.

The site does not lie within identified wetlands or floodplains.

D. Whether the proposal adheres to other special provisions of law (e.g., the Wekiva River Protection Act).

Staff Evaluation

This property is included within the Chuluota Design Area and the Scenic Corridor Overlay District (Part 55, Chapter 30, Seminole County Land Development Code). Adherence to applicable standards will be required through the rezone process.

E. Whether the proposed use is compatible with surrounding development in terms of community impacts and adopted design standards of the Land Development Code.

Staff Evaluation

The site has direct frontage on CR 419, and is adjacent to High Density Residential (HDR) on all sides. Existing development on nearby properties is predominantly residential. Existing zoning and future land use designations on these properties are compatible with the proposed amendment, per "Exhibit FLU: Compatible Transitional Land Uses".

Buffering criteria geared to the specific impacts of this project can be applied through the PUD rezoning process. In addition, the Chuluota nonresidential design guidelines should be reflected in the development order and final master plan and final engineering

designs. Staff finds that the requested rezone and land use amendment are compatible with the surrounding uses and existing development patterns of the area.

F. Whether the proposed use furthers the public interest by providing:

1. Sites for public facilities or facility improvements in excess of requirements likely to arise from development of the site;

The applicant is not proposing public facilities or facility improvements in excess of requirements likely to arise from development of this site.

2. Dedications or contributions in excess of Land Development Code requirements;

This applicant is not proposing dedications or contributions in excess of Land Development Code requirements.

3. Economic development;

As this amendment would establish a nonresidential future land use designation on the subject property, it may contribute to economic development in Seminole County.

4. Reduction in transportation impacts on area wide roads;

The proposed development of a 2,450 square foot office building should generate fewer trips on area roads than the existing residential zoning would permit. However, the full development potential created by the land use amendment to Office (up to 0.35 FAR) would likely result in greater impacts than the High Density Residential future land use now assigned to the property.

5. Mass transit and a variety of transportation choices; or

LYNX transit service is not currently available in this area.

6. Whether the proposed land use designation is consistent with any other applicable Plan policies, and supports and is consistent with the Central Florida Regional Growth Vision, the Strategic Regional Policy Plan and the State Comprehensive Plan.

Consistency of the proposed amendment with the State Comprehensive Plan (Chapter 187, Florida Statutes) and the East Central Florida Strategic Regional Policy Plan is demonstrated by the following policies:

A. Consistency with the State Comprehensive Plan (Ch. 187, Fla.Stat.)

Goal (15) LAND USE §187.201(15)(b), Fla.Stat. (2008)

(b) Policies

Policy 3. Enhance the livability and character of urban areas through the encouragement of an attractive and functional mix of living, working, shopping, and recreational activities.

The Office future land use proposed for the site will bring a moderate intensity, service-oriented use to a neighborhood of existing multi-family and commercial development. It

will provide a needed service to a somewhat isolated urban area, enhancing the character of the community and reducing the need for travel to other areas of the County on public roadways.

B. Consistency with the East Central Florida Regional Policy Plan (ECFRPP)

SECTION 5: TRANSPORTATION (ECFRPP)

Public Safety

Policy 5.21 (4). Sidewalks provided where feasible and appropriate along all regional roadways.

The developer will be required to build a sidewalk along the CR 419 frontage, in compliance with the Chuluota Nonresidential Design Guidelines.

SECTION 6: LAND USE (ECFRPP)

Urban Areas

Policy 6.1(7). Discourage urban uses and intensities outside urban development areas;

Office future land use is an urban intensity designation, and the proposed site is within the County's urban area.

SITE ANALYSIS:

ENVIRONMENTAL IMPACTS

Floodplain Impacts:

Based on FIRM map with an effective date of September 2007 there is no floodplain on the subject property.

Drainage:

The site will have to be designed to hold the entire 25-year, 24-hour storm event onsite.

Wetland Impacts:

Based on preliminary aerial photo and County wetland map analysis, there appears to be no wetlands on the subject property.

Endangered and Threatened Wildlife:

Based on a preliminary analysis, there may be endangered and threatened wildlife on the subject property. A listed species survey will be required prior to final engineering approval.

PUBLIC FACILITY IMPACTS

Rule 9J-5.0055(3)(c); Florida Administrative Code, requires that adequate public facilities and services be available concurrent with the impacts of development. The applicant has elected to defer Concurrency Review at this time. The Applicant will be required to undergo Concurrency Review prior to final engineering approval.

Utilities:

Applicant is proposing a septic system; however, they will connect to sanitary sewer if Aqua Utilities has capacity at the time of site plan.

Transportation / Traffic:

The property is adjacent to CR 419 which is classified as a collector roadway. CR 419 is not currently programmed to be improved according to the County 5-year Capital Improvement Program.

Buffers and Sidewalks:

The site is within the Chuluota Design Area. Per Section 30.1138(a), a buffer must be provided along CR 419 having a minimum width of 10 feet and an average width of 20 feet, preserving native vegetation as much as possible.

A 5-foot wide sidewalk will be required along CR 419, and a 4-foot wide sidewalk will be required along 7th Street.

Per Sec. 30.468 of the Land Development Code, Active/Passive buffer setback design standards apply on the west and north property lines; the applicant is requesting a waiver from those standards as proposed below.

Property Line	Requirement per Land Development Code Sec. 30.1232	Proposed
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APPLICABLE POLICIES:

Fiscal Impact Analysis

This project does not warrant the running of the County Fiscal Impact Analysis Model.

Special Districts

The subject property lies within the Chuluota Design District per FLU Exhibit 3, and is subject to all nonresidential design guidelines discussed in Chapter 30, Part 60 of the Seminole County Land Development Code. Per Policy FLU 11.17, the purpose of these standards is to maintain the rural character of the Chuluota area.

COMPREHENSIVE PLAN

The County's Comprehensive Plan is designed to preserve and enhance the public health, safety and welfare through the management of growth, provision of adequate public services and the protection of natural resources. The following policies are applicable with the proposed project (other provisions of the Comprehensive Plan that may apply are not included in this list):

Policy FLU 2.1:	Development Standards
Policy FLU 2.3:	Roadway Compatibility
Policy FLU 2.5:	Transitional Land Uses in Urban Areas Not Approved For Mixed Development
Policy FLU 5.4:	Water and Sewer Service Expansion
Policy FLU 17.4:	Relationship of Land Use to Zoning Classifications
Policy FLU 17.5:	Evaluation Criteria of Property Rights Assertions
Policy POT 4.5:	Extension of (Potable Water) Service to New Development
Policy SAN 4.4:	Extension of (Sanitary Sewer) Service to New Development
Policy TRA 2.5.6	Discourage Direct Access

INTERGOVERNMENTAL NOTIFICATION:

An intergovernmental notice was not required.

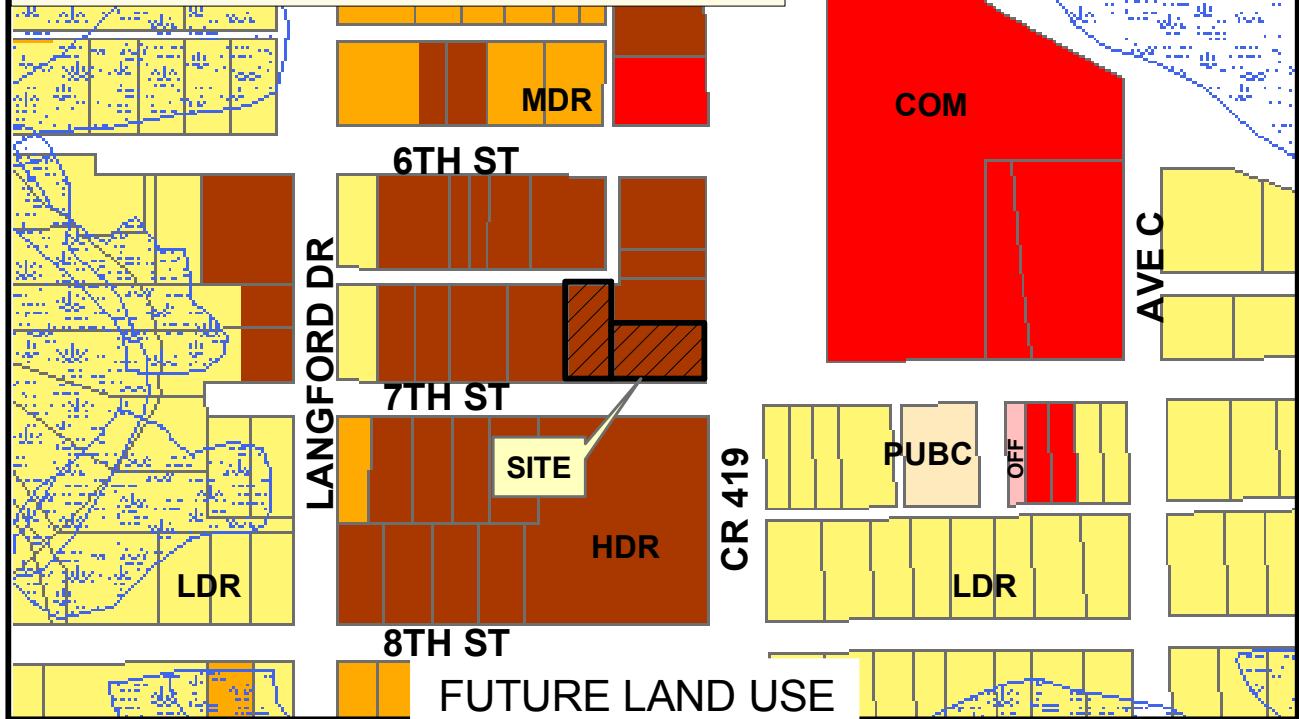
LETTERS OF SUPPORT OR OPPOSITION:

Staff has not received letters of support or opposition.

STAFF RECOMMENDATION:

Staff recommends approval of the request for a Small Scale Land Use Amendment from High Density Residential (HDR) to Office (OFF) and Rezone from R-3 (Multi-Family Residential) to PUD (Planned Unit Development) on .51± acres located at the intersection of CR 419 and W 7th Street, and approval of the attached Preliminary Master Plan, subject to the conditions in the attached Development Order.

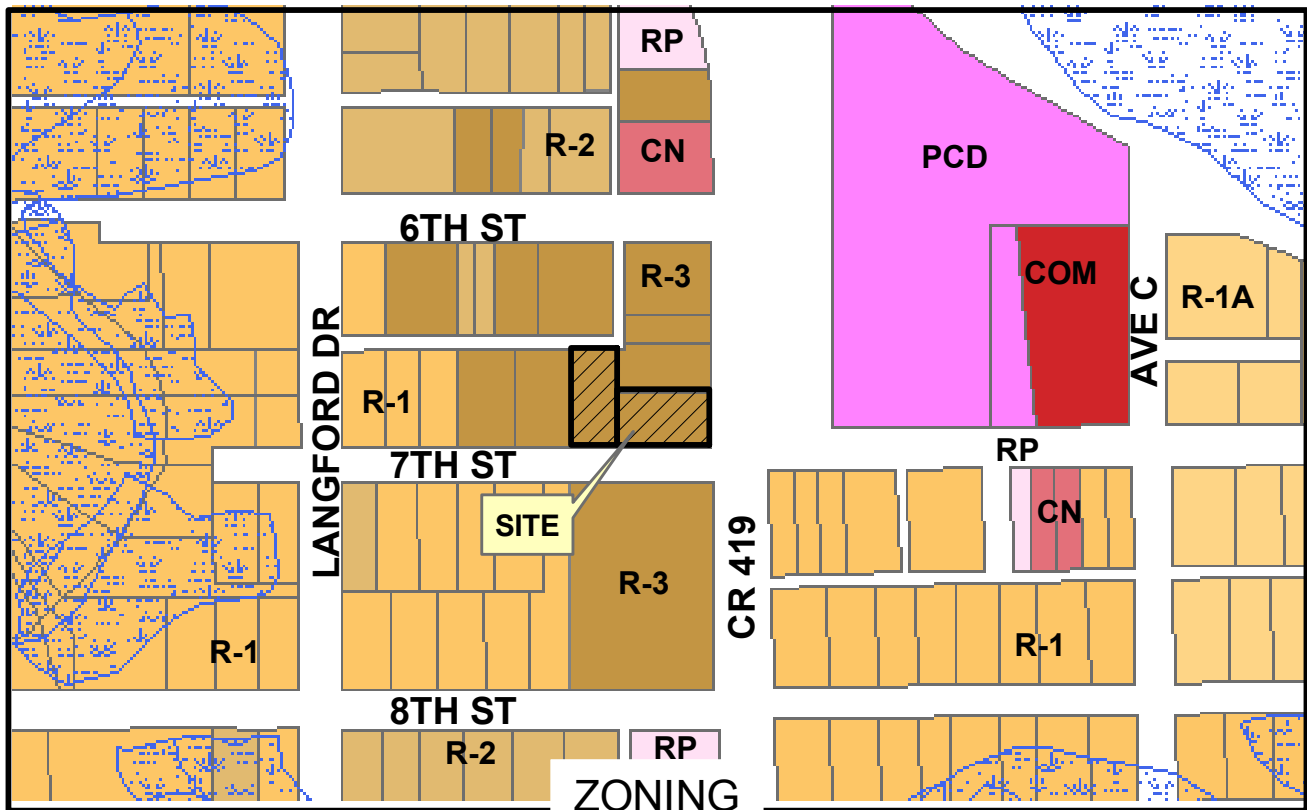
The presence of any wetlands and or flood-prone areas is determined on a site by site basis. Boundary adjustments may be made based upon more definitive on-site information obtained/during the development review process. Wetland information, based on SJRWMD's update of National Wetland Inventory Maps, and 100 yr floodprone area information, based on Flood Insurance Rate Maps provided by FEMA.



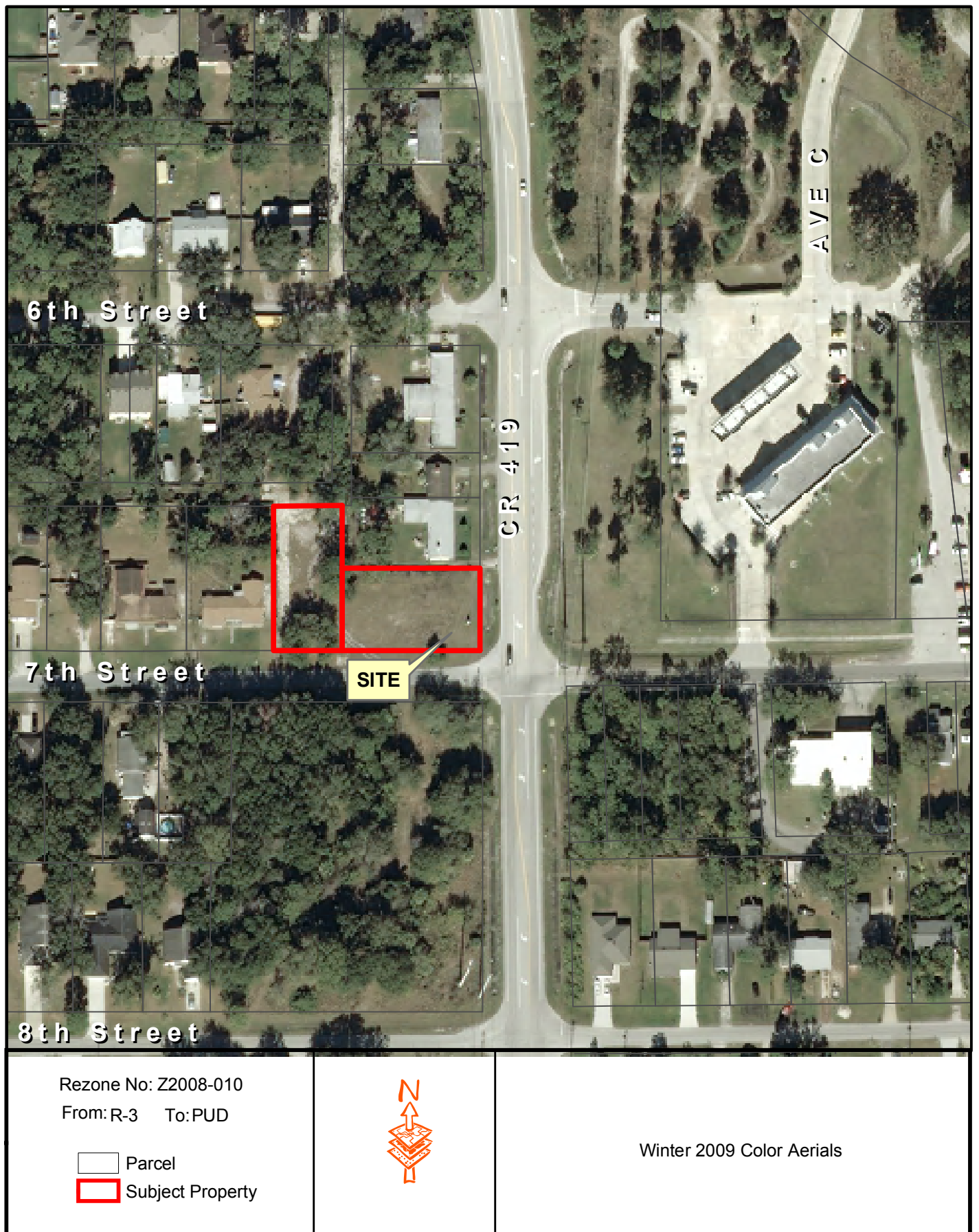
LDR
 PUB
 MDR
 HDR
 OFF
 COM
 Site
 ESLO
 City Bnd

Applicant: Jack Reynolds / JHR
 Physical STR: 21-21-32-5CF-5200-0010 and 0220
 Gross Acres: .51 +/- BCC District: 1
 Existing Use: Vacant
 Special Notes: proposed medical/dental/professional office

	Amend/ Rezone#	From	To
FLU	08SS.09	HDR	OFF
Zoning	Z2008-010	R-3	PUD



R-1
 R-1A
 R-2
 R-3
 RP
 PCD
 CN
 C-2
 ESLO



PRELIMINARY MASTER PLAN
CJAM PROFESSIONAL OFFICE BUILDING PUD
C.R. 419 AND 7TH STREET
CHULUOTA, FLOIRDA
PARCEL I.D. # 21-21-32-5CF-5200-0220

PROJECT MANAGER:

JHR CONSULTANTS, INC.
478 EAST ALTAMONTE DRIVE, SUITE 162
ALTAMONTE SPRINGS, FLORIDA 32701
TELEPHONE: (407) 262-9176
FAX: (407) 262-9170
E-MAIL: jackreynolds@tannathdesign.com
CONTACT: JACK REYNOLDS

SURVEYOR:

BILLY JOE JENKINS, JR.
BENCHMARK SURVEYING & MAPPING
P.O. BOX 771065
WINTER GARDEN, FLORIDA 34777
TELEPHONE (407) 654-6183
FAX (407) 654-6184

CONTRACTOR:

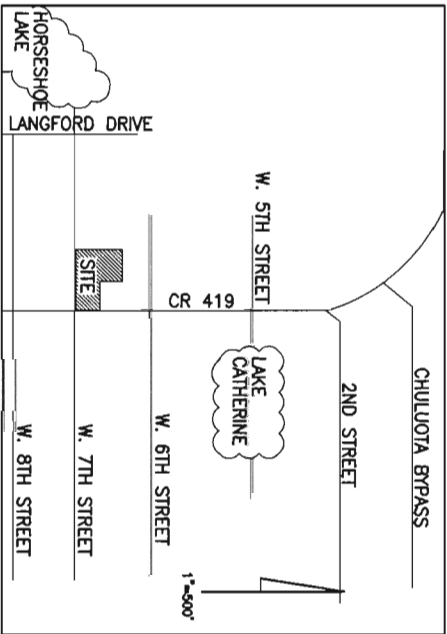
MARK A. BESSETTE
AC DEVELOPMENT GROUP, INC.
801 EYRIE DRIVE, SUITE 200
OVIEDO, FL 32765
TELEPHONE (407) 365-9553
FAX (407) 365-9466
E-MAIL mark@acdevelopmentgroup.com

ATTENTION

CONTRACTOR SHALL PAY FOR AND OBTAIN A SEMINOLE COUNTY
SITE CONSTRUCTION PERMIT AND HOLD A PRE-CONSTRUCTION
CONFERENCE BEFORE STARTING WORK. CONTACT ENGINEERING
INSPECTIONS, 407-665-7409 FOR INFORMATION ON SETTING
YOUR PRE-CONSTRUCTION MEETING, ISSUANCE OF COUNTY
PERMITS AND OTHER REQUIREMENTS.

PREPARED FOR:
MARK BESSETTE

CJAM HOLDINGS, LLC
801 EYRIE DRIVE
OVIEDO, FLORIDA 32765
TELEPHONE (407) 365-9553
FAX (407) 365-9466
E-MAIL mark@acdevelopmentgroup.com



LOCATION SKETCH

LEGAL DESCRIPTION

SECTION 21, TOWNSHIP 21 SOUTH, RANGE 32 EAST
Lots 1, 2, and 22, Block 52, TOWNSITE OF NORTH CHULUOTA, according to
the plat thereof as recorded in Plat Book 2, Pages 54 through 58, Public Records
of Seminole County, Florida , LESS road right of way as described in Deed Book
114, Page 439, Public Records of Seminole County, Florida.

INDEX OF DRAWINGS			
CIVIL CONSTRUCTION DOCUMENTS			
C-1	1	COVER SHEET	
C-2	2	SURVEY	
C-3	3	SITE PLAN	

UTILITY COMPANIES

SANITARY SEWER: SEMINOLE COUNTY HEALTH DEPARTMENT (407) 665-3600
WATER DISTRIBUTION: AQUA UTILITIES FLORIDA, INC. (352)435-4024
ELECTRICAL POWER: PROGRESS ENERGY (407) 629-1010
TELEPHONE: EMBARQ (800) 339-1811
CABLE: BRIGHT HOUSE (407) 291-2500

REV	DATE	BY	COMMENTS
1	6/15/09	JR	ADDRESS COUNTY'S COMMENTS (6/12/09)
2			
3			
4			
5			
6			

COVER SHEET

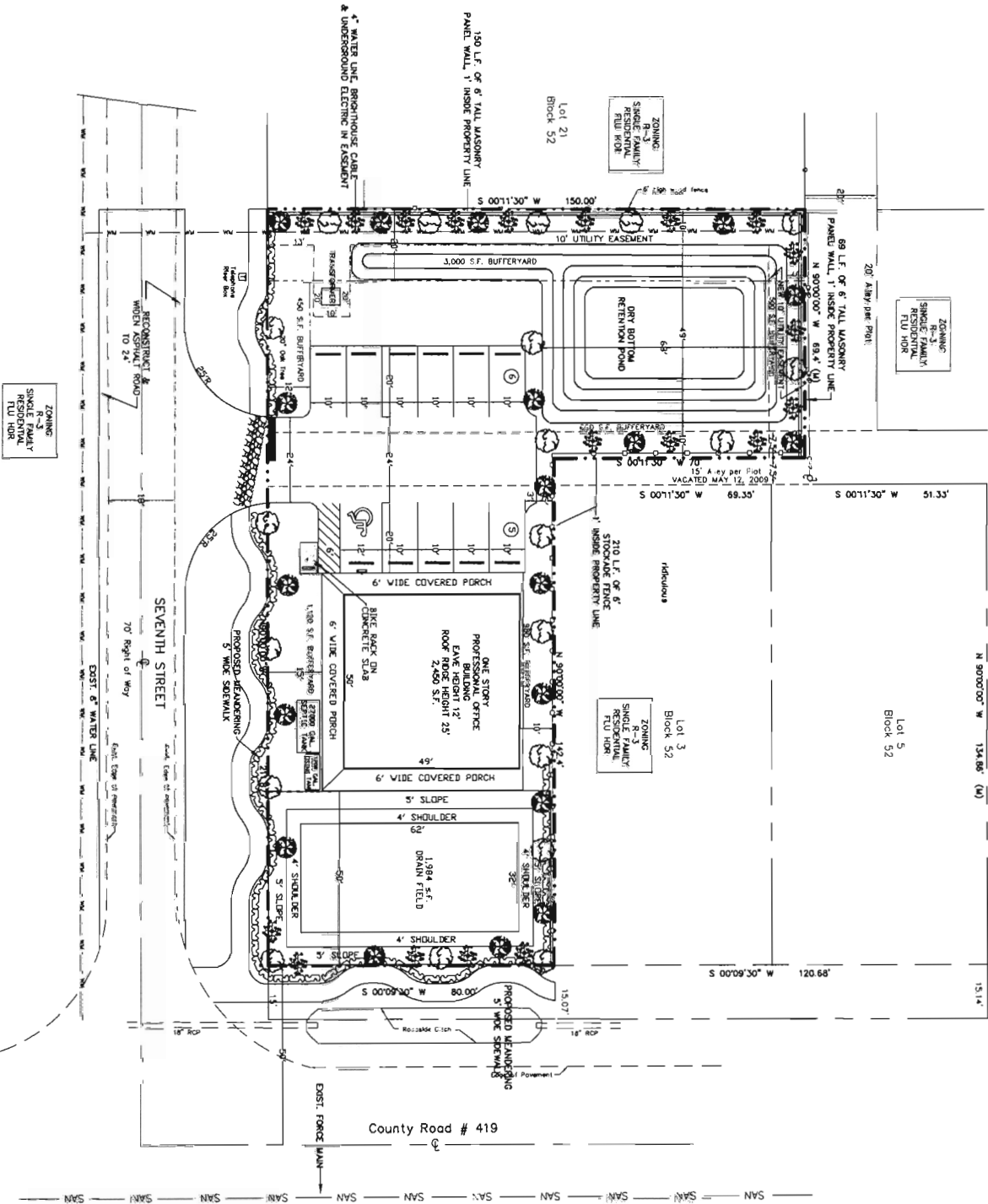
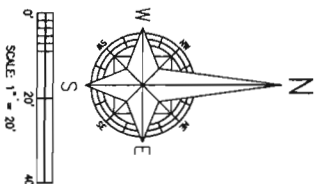
PROFESSIONAL OFFICE
CR 419 & 7TH STREET
OVIEDO, FLORIDA

JHR CONSULTANTS, INC.
312 FOREST AVE.
ALTAMONTE SPRINGS, FLORIDA 32701
TELEPHONE: (407) 262-9176
FAX: (407) 262-9170
E-MAIL: jackreynolds@embarqmail.com

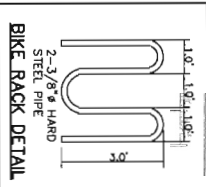
PROJECT #:
DATE: 05/15/09
SCALE: NTS
DRAWN: JHR
APPROVED:

Approved:

Seminole County Development Review Department
Date



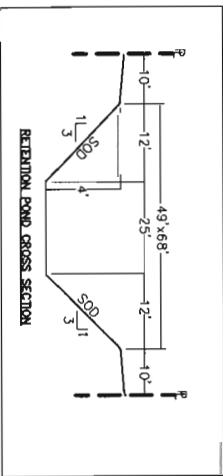
SANITARY FLOW CALCS
4.3 EDU/ERUs (300)= 1290 GPD
1290/55 = 1984 SQ.FT. DRAINFIELD
1290 GPD REQUIRES A 2700 GALLON SEPTIC TANK
AND A 1200 GALLON DOSING TANK



GENERAL NOTES

- CURRENT ZONING...R3, CURRENT F.U., HDR
- PROPOSED ZONING...PJUD, PROPOSED F.U., OFFICE
- ALL EXTERIOR EQUIPMENT, WHETHER GROUND OR ROOF MOUNTED, WILL BE SCREENED FROM OFF SITE VIEWS
- 30" STOP SIGN SHALL BE OF HIGH INTENSITY REFLECTORIZED AS SPECIFIED IN THE MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES AND LOCATED AS SHOWN ON SITE PLAN.
- STOP BAR SHALL BE 24" WIDE, WHITE THERMOPLASTIC AND LOCATED AS SHOWN ON SITE PLAN.
- ALL ADDRESS NUMBERS SHALL BE VISIBLE AND READABLE FROM STREET
- INSTALL "NO TRESPASSING, CONSTRUCTION SITE" SIGN AS SPECIFIED IN FLORIDA STATUTE 810.09, PARAGRAPH D.
- POST THE EMERGENCY NIGHT PHONE NUMBER ON THE BOTTOM OF THE BUILDING PERMIT.
- NO CONSTRUCTION CAN OCCUR UNTIL THE APPLICANT HAS HAD A PRE-CONSTRUCTION CONFERENCE WITH SEMINOLE CO.
- ALL WORK IN THE RIGHT OF WAY WILL BE REPAIRED OR REPLACED IF DAMAGED DURING CONSTRUCTION.
- LOW INTENSITY INDIRECT LIGHTING SHALL BE UTILIZED TO PREVENT GLARE
- SINGLE TENANT BUILDING.
- CONTRACTOR TO LOCATE ALL UTILITIES PRIOR TO CONSTRUCTION.
- SANITARY SEWER AND POTABLE WATER SUPPLIED BY AQUA UTILITIES
- SIGNAGE WILL REQUIRE A SEPARATE PERMIT FROM THE BUILDING DEPT.

SITE STATISTICAL DATA			
DESCRIPTION	SQ. FT.	ACRES	% OF SITE
SITE AREA	21,825	0.50	100.0%
BLDG. AREA	2,450	0.06	11.22%
PAVEMENT AREA	3,945	0.09	18.08%
PORCH AND SIDEWALK	972	0.02	4.44%
IMPERVIOUS AREA	7,367	0.17	33.75%
OPEN AREA	14,458	0.33	66.25%



LANDSCAPE LEGEND

- (19) LIVE OAK OR EQUAL
- OVERALL AVERAGE OF 2.5" CALIPER WITH AN OVERALL AVERAGE OF 3" CALIPER MEASURED @ 1' ABOVE GROUND (LOW WATER USE)
- 8 TREES PER 100 L.F. ALONG ACTIVE BUFFER
- 4 TREES PER 100 L.F. ALONG PASSIVE BUFFER
- (21) SOUTHERN MAGNOLIA OR EQUAL
- OVERALL AVERAGE OF 2.5" CALIPER WITH AN OVERALL AVERAGE OF 3" CALIPER MEASURED @ 1' ABOVE GROUND (LOW WATER USE)
- 8 TREES PER 100 L.F. ALONG ACTIVE BUFFER
- 4 TREES PER 100 L.F. ALONG PASSIVE BUFFER
- (15) GRAPE MYRTLE OR EQUAL
- 8' HIGH AT PLANTING, MULTIPLE TRUNK, 6' SPREAD (LOW WATER USE)
- 6 UNDERSTORY PER 100 L.F.
- (30) WALTER VIBURNUM HEDGE OR EQUAL
- 36" HGT. PLANTED AT 30" O/C.
- MED. WATER USE

PUD DEVELOPER COMMITMENT AGREEMENT

- STATEMENT OF BASIC FACTS**
 - a) Total area: 0.50 acres
 - b) Zoning: Planned Unit Development
 - c) F.U. Amendment to Office.
 - d) Allowable area of development: 0.50 acres
 - e) The development approval sought is consistent with the Seminole County comprehensive plan and will be developed consistent with and in compliance with all other applicable regulations and ordinances.
 - f) The owner of the property has signed and approved the commitment run with, subject to the development conditions and commitment run with, follow and perpetually burden the site described property.
- LAND USE BREAKDOWN**

LAND USE	AREA	% OF SITE
Pavement, Sidewalk and Proposed Building Areas	7,367 s.f./ 0.17 ac	33.75%
Open Space	14,458 s.f./ 0.33 ac	66.25%
Total Developable Area	21,825 s.f./ 0.50 ac	100%
Breakdown Open Space		
Buffer Yards	10,650 s.f./ 0.24 ac	48.80%
Retention Area	5,428 s.f./ 0.12 ac	24.85%
- OPEN SPACE AREAS**

Maintenance of the open space shall be funded by property owner.

Total Land Area	0.50 acres
Required Open Space	23,006/0.125 acre
Open Space Provided	66,259/0.33 acre
- BUILDING SETBACKS**

	REQUIRED	PROVIDED
Front (CR 419)	50'	50'
Side	25'	15'
Rear	10'	10'
Max. Roof height	30'	30'
- PERMITTED USES**

Those uses permitted in OP (office) Zoning Dist. Sec. 30.30.662 of the Seminole Co. Land Development Code are as follows: Dental and Medical clinics, Dental & Medical laboratories, General office buildings, insurance, real estate, architects, engineering, attorneys, and other professional business services, Accounting, auditing and bookkeeping services, finance offices as listed under the OP (office) zoning district.
- PROHIBITED USES**

Churches and attendant educational buildings, Day Care facilities, kindergartens, post offices, public & private elementary, middle and high schools, telephone business offices and exchanges, public parks, public, private and parochial schools, adult living facilities, and community residential homes housing more than six (6) public buildings.
- BUFFER YARDS**

	REQUIRED	PROVIDED
South	10'	13' overage
West (retention)	15' passive	20'
West (parking)	25' active	20'
North (retention)	15' passive	10'
North (parking)	25' active	5'-8'
North (building)	15' passive	10'
East	20'	50'

* Allow 50% of retention pond in buffer yard
- LANDSCAPE & BUFFER CRITERIA**

Parking areas shall be landscaped in accordance with the provisions of the Section 30.30.662 of the Seminole County Land Development Code.
- PARKING REQUIREMENTS**
 - Parking spaces shall be 10'x20' & 10'x18' w/2' overhang
 - Parking calculations shall be based on:
1 parking space per 200 sq. ft. of professional office/medical/dental
2,450 sq. ft. office/200 = 12.25
One space credit for saving a tree
Total spaces provided = 11.25 spaces
- WATER, SEWER AND STORMWATER**

WATER: Water services shall be provided by Aqua Utilities.
SANITARY SEWER: Sanitary sewer shall be a septic system permitted by Seminole County Health Department.
STORMWATER: Stormwater drainage and stormwater management shall be provided by on-site retention pond. The system will be reviewed and approved by Seminole County and St. Johns River Water Management District
- FIRE PROTECTION**: Fire protection shall be provided by Seminole Co. Fire flow will be a minimum of 1250 gpm w/ 20 psi. Fire Hydrants shall be located according to Seminole Co. Fire Loss management regulations.
- PHASING**

Proposed development shall be developed in single phase.

SITE PLAN

CJAM PROFESSIONAL OFFICE
CR 419 & 7TH STREET
OVIEDO, FLORIDA

JHR CONSULTANTS, INC.
312 FOREST AVE.
ALTAMONTE SPRINGS, FLORIDA 32701
TELEPHONE: (407) 262-9176
FAX: (407) 262-9170
E-MAIL: jackreynolds@embarqmail.com

PROJECT #:
DATE: 05/15/09
SCALE: 1"=20'
DRAWN: JHR
APPROVED:
SHEET NAME:

June 24, 2009

Joy Williams
Seminole County Planning Department
1101 East First Street
Sanford, Florida 32771

RECEIVED JUL 06 2009

RE: CJAM Professional Office
Small Scale Future Land Use Amendment from HDR to Office
Justification Statement

Dear Joy:

This justification statement has been prepared as a supplement to the application to change the Future Land Use on the CJAM property from High Density Residential (HDR) to Office. There are several sections of Seminole County's Vision 2020 Comprehensive Plan that support the proposed change.

- 1) Issue FLU 4 of the Comprehensive Plan indicates that Rule 9J-5.006, FAC requires plans of the local government's contain specific provisions to discourage urban sprawl. Urban sprawl is then further defined as scattered, poorly planned development occurring at the urban fringe and rural areas, which frequently invades land important for natural resource protection.

The proposed change of the FLU to Office on the subject property will not encourage urban sprawl. The property is located in an urban area. Professional offices, schools and veterinary clinic are in the immediate area. The subject property is not located on the urban fringe.

- 2) The Comprehensive Plan also provides criteria for the standards of review. These criteria are listed with an evaluation of this property.

A. Whether the character of the surrounding area has changed enough to warrant a different land use designation being assigned to the property.

The surrounding area is clearly in a transition to an urban area. The property fronts on SR 419 where commercial businesses are existing and proposed. Established residential neighborhoods are located directly behind the commercial areas.

B. Whether public facilities and services will be available concurrent with the impacts of development at adopted levels of service.

The property fronts on SR 419 and 7th Street. SR 419 has adequate traffic capacity for this development. In addition, there are sewer and water facilities located adjacent to the property that will be used to service the development.

- C. Whether the site is suitable for the proposed use and will be able to comply with flood prone regulations, wetland regulations and all other adopted development regulations.

The site is suitable for the proposed development. It does not lie within a flood plain nor are there any existing wetlands.

- D. Whether the proposal adheres to other special provisions of law (e.g. Wekiva River Protection Act).

There are no other provisions of law that affect the subject property or the proposed use.

- E. Whether the proposed use is compatible with surrounding development in terms of community impacts and adopted design standards of the Land Development Code.

The proposed use is compatible with the surrounding uses. The property is located on a highway with adequate LOS. The subject property is located in the Chuluota Non-residential Design Area and along a Scenic Corridor.

- F. Whether the proposed use furthers the public interest by providing:

- 1) Sites for public facilities or facility improvements in excess of requirements likely to arise from development of the site;

The small single tenant development will have minimal impact on the facilities in the area.

- 2) Dedication or contributions in excess of Land Development Code requirements;
Right of way will be dedicated and 7th Street will be brought up to county standards. These are considered Land Development Code requirements but without the proposed development the dedication and road improvement would not happen now.

- 3) Affordable Housing;

No housing is proposed with this development.

- 4) Economic Development;

The project will provide economic development in the area. We are proposing a dental office with 2 dentists and staff.

- 5) Reduction on transportation impacts on area wide roads;

The proposed development will have minimal impact on surrounding roads. The use will primarily target local residents.

- 6) Mass Transit;

The proposed development neither impacts nor provides for mass transit.

- 7) Whether the proposed land use designation is consistent with any other applicable plan policies, the Strategic regional Policy Plan and the State Comp. Plan;
The details given above describe the consistency with the other plan policies.

In summary, the surrounding area is clearly in transition. The property fronts on SR 419, which is a collector roadway that has commercial and professional office uses (existing and proposed). The proposed use will be developed to the Chuluota Non-residential Design standards. The dental office will contribute to the quality of life of the surrounding residents. The residents will be able to get dental care at a convenient local location.

SEMINOLE COUNTY
APPLICATION & AFFIDAVIT

Ownership Disclosure Form

The owner of the real property associated with this application is a (check one)

☐ Individual ☐ Corporation ☐ Land Trust

☒ Limited Liability Company ☐ Partnership

☐ Other (describe): _____

1. List all **natural persons** who have an ownership interest in the property, which is the subject matter of this petition, by name and address.

NAME	ADDRESS	PHONE NUMBER

(Use additional sheets for more space.)

2. For each **corporation**, list the name, address, and title of each officer; the name and address of each director of the corporation; and the name and address of each shareholder who owns two percent 2% or more of the stock of the corporation. Shareholders need not be disclosed if a corporation's stock are not traded publicly on any national stock exchange.

NAME	TITLE OR OFFICE	ADDRESS	% OF INTEREST
Mark Bessette	Manager	240 West 7th St. Chuluota, Fl.	

(Use additional sheets for more space.)

3. In the case of a **trust**, list the name and address of each trustee and the name and address of the beneficiaries of the trust and the percentage of interest of each beneficiary. If any trustee or beneficiary of a trust is a corporation, please provide the information required in paragraph 2 above.

Trust Name: _____

NAME	TRUSTEE OR BENEFICIARY	ADDRESS	% OF INTEREST

(Use additional sheets for more space.)

SEMINOLE COUNTY
APPLICATION & AFFIDAVIT

4. For **partnerships**, including limited partnerships, list the name and address of each principal in the partnership, including general or limited partners. If any partner is a corporation, please provide the information required in paragraph 2 above.

NAME	ADDRESS	% OF INTEREST

(Use additional sheets for more space.)

5. In the circumstances of a **contract for purchase**, list the name and address of each contract purchaser. If the purchaser is a corporation, trust, or partnership, provide the information required for those entities in paragraphs 2, 3, and/or 4 above.

Name of Purchaser: _____

NAME	ADDRESS	% OF INTEREST

Date of Contract: _____

Please specify any contingency clause related to the outcome of the consideration of the application.

6. As to any type of owner referred to above, a change of ownership occurring subsequent to this application, shall be disclosed in writing to the Planning and Development Director prior to the date of the public hearing on the application.
7. I affirm that the above representations are true and are based upon my personal knowledge and belief after all reasonable inquiry. I understand that any failure to make mandated disclosures is grounds for the subject rezone, future land use amendment, special exception, or variance involved with this Application to become void. I certify that I am legally authorized to execute this Application and Affidavit and to bind the Applicant to the disclosures herein.

May 19, 2009
Date

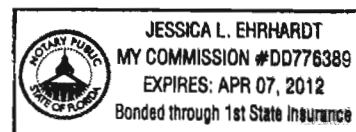
Mark A. Bessette
Owner, Agent, Applicant Signature

STATE OF FLORIDA
COUNTY OF Seminole

Sworn to (or affirmed) and subscribed before me this 19th day of May, 2009 by Mark A. Bessette.

Jessica L. Ehrhardt
Signature of Notary Public

Jessica L. Ehrhardt
Print, Type or Stamp Name of Notary Public



Personally Known ☒ OR Produced Identification _____
Type of Identification Produced _____

For Use by Planning & Development Staff

Date: _____ Application Number: _____

SEMINOLE COUNTY DEVELOPMENT ORDER

On September 22, 2009 Seminole County issued this Development Order relating to and touching and concerning the following described property:

See Attached Exhibit A

(The aforescribed legal description has been provided to Seminole County by the owner of the aforescribed property.)

FINDINGS OF FACT

Property Owner: Mark Bessette
CJAM Holdings, LLC
240 W 7th Street
Chuluota, FL 32766

Project Name: CJAM Office

Requested Development Approval:

Small Scale Land Use Amendment from High Density Residential (HDR) to Office (OFF) and Rezone from R-3 (Multi-Family Residential) to PUD (Planned Unit Development).

The Development Approval sought is consistent with the Seminole County Comprehensive Plan and will be developed consistent with and in compliance to applicable land development regulations and all other applicable regulations and ordinances.

The owner of the property has expressly agreed to be bound by and subject to the development conditions and commitments stated below and has covenanted and agreed to have such conditions and commitments run with, follow and perpetually burden the aforescribed property.

Prepared By: Joy Williams, Planner
1101 East First Street
Sanford, Florida 32771

Order

NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:

- (1) The aforementioned application for development approval is **GRANTED**.
- (2) All development shall fully comply with all of the codes and ordinances in effect in Seminole County at the time of issuance of permits including all impact fee ordinances.
- (3) The conditions upon this development approval and the commitments made as to this development approval, all of which have been accepted by and agreed to by the owner of the property are as follows:
 - a. All development shall comply with the Preliminary Master Plan attached as Exhibit B.
 - b. The allowable permitted uses for this site shall be those permitted in the OP (Office) zoning district; Excluding the following uses: Churches and attendant educational buildings, Day care facilities, kindergartens, Public and private elementary schools, middle schools and high schools, Adult living facilities and community residential homes (group homes and foster care facilities) housing more than six (6) permanent unrelated residents, Telephone business offices and exchanges, post offices, public parks, public, private and parochial schools, playgrounds, fire stations, and administrative public buildings.
 - c. Maximum allowable building height shall be 35 feet.
 - d. The maximum allowable building square footage shall be limited to 2,500 square feet.
 - e. Building setbacks shall be as follows:

Front (East):	50'
Front (South):	15'
Side (North):	10'
Side (West):	100'
 - f. Landscape buffers shall be as follows.

Front (East):	50'
Front (South):	10' min/13' average
Side (North):	10' along building & retention
Side (North):	5' along Parking Area
Side (West):	20' along retention
Side (West):	20' along retention

g. Landscape components shall be as follows.

Front (East):	4 Canopy & 4 Understory trees
Front (South):	8 Canopy trees
Side (North):	5 Canopy & 6 Understory trees along retention 6-ft Stockade Fence along east side retention, 6-ft Masonry wall along north side retention
Side (North):	3 Canopy trees along parking, 6-ft Stockade Fence
Side (North):	8 Canopy trees along building, 6-ft Stockade Fence
Side (West):	9 Canopy & 8 Understory trees, 6-ft Masonry Wall

h. The site must meet all applicable requirements of the Chuluota Non-Residential Design Standards Zoning Overlay.

(4) This Development Order touches and concerns the aforescribed property and the conditions, commitments and provisions of this Development Order shall perpetually burden, run with and follow the said property and be a servitude upon and binding upon said property unless released in whole or part by action of Seminole County by virtue of a document of equal dignity herewith. The owner of the said property has expressly covenanted and agreed to this provision and all other terms and provisions of this Development Order.

(5) The terms and provisions of this Order are not severable and in the event any portion of this Order shall be found to be invalid or illegal then the entire order shall be null and void.

Done and Ordered on the date first written above.

By: _____
Bob Dallari
Chairman, Board of County Commissioners

Order

OWNER'S CONSENT AND COVENANT

COMES NOW, the owner, Mark Bessette/CJAM Holdings, LLC, on behalf of itself and its heirs, successors, assigns or transferees of any nature whatsoever and consents to, agrees with and covenants to perform and fully abide by the provisions, terms, conditions and commitments set forth in this Development Order.

Witness

Mark Bessette, CJAM Holdings, LLC, Owner

STATE OF FLORIDA)

COUNTY OF SEMINOLE)

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared Mark Bessette, who are personally known to me or whom has produced _____ as identification and who did take an oath.

WITNESS my hand and official seal in the County and State last aforesaid this ____ day of _____, 2009.

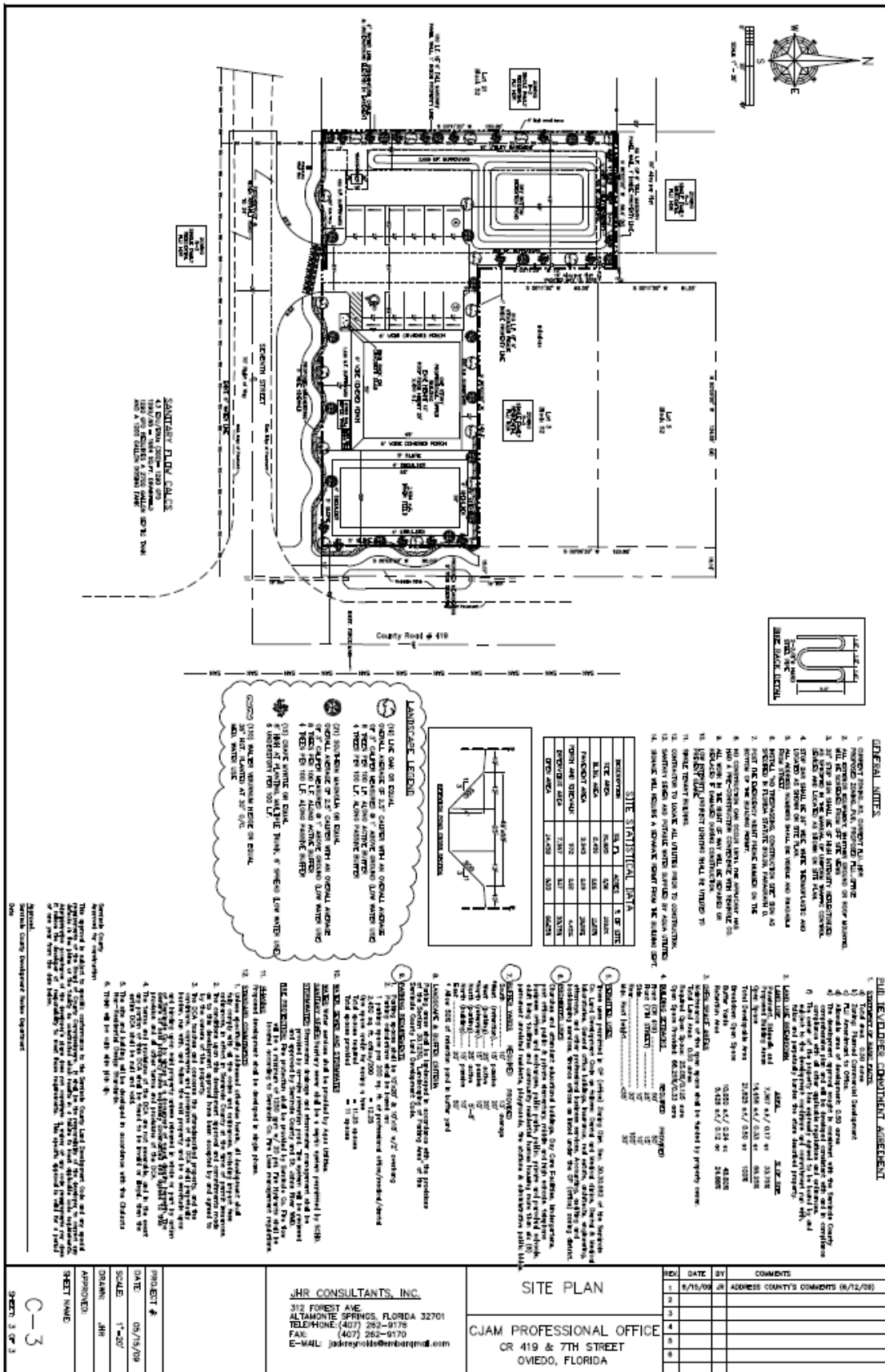
Notary Public, in and for the County and State
Aforementioned

My Commission Expires:

EXHIBIT A

LOTS 1 & 2 & E 1/2 OF VACD R/W ADJ ON W BLK 52 (LESS
E 15 FT FOR RD) AND LOT 22 & W 1/2 VACD R/W ADJ ON E
BLK 52 NORTH CHULUOTA PB 2 PGS 54 TO 58

6



SEMINOLE COUNTY DENIAL DEVELOPMENT ORDER

On September 22, 2009, Seminole County issued this Denial Development Order relating to and touching and concerning the following described property:

See Attached Exhibit A

(The aforescribed legal description has been provided to Seminole County by the owner of the aforescribed property.)

Property Owner: Mark Bessette
CJAM Holdings, LLC
240 W 7th Street
Chuluota, FL 32766

Project Name: CJAM Office

Requested Development Approval:

Small Scale Land Use Amendment from High Density Residential (HDR) to Office (OFF) and Rezone from R-3 (Multi-Family Residential) to PUD (Planned Unit Development).

After fully considering staff analysis titled "CJAM Office Rezone" and all evidence submitted at the public hearing on September 22, 2009, regarding this matter the Board of County Commissioners have found, determined and concluded that the requested rezone from R-3 (Multi-Family Residential) to PUD (Planned Unit Development) should be denied.

ORDER

NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:

The aforementioned application for development approval is **DENIED**.

Done and Ordered on the date first written above.

**SEMINOLE COUNTY BOARD OF COUNTY
COMMISSIONERS**

By: _____
Bob Dallari, Chairman

EXHIBIT A

LOTS 1 & 2 & E 1/2 OF VACD R/W ADJ ON W BLK 52 (LESS
E 15 FT FOR RD) AND LOT 22 & W 1/2 VACD R/W ADJ ON E
BLK 52 NORTH CHULUOTA PB 2 PGS 54 TO 58

AN ORDINANCE FURTHER AMENDING ORDINANCE NUMBER 08-44, AS PREVIOUSLY AMENDED, KNOWN AS THE SEMINOLE COUNTY COMPREHENSIVE PLAN; AMENDING THE FUTURE LAND USE MAP OF THE SEMINOLE COUNTY COMPREHENSIVE PLAN BY VIRTUE OF SMALL SCALE DEVELOPMENT AMENDMENT (LEGAL DESCRIPTION IS SET FORTH AS AN APPENDIX TO THIS ORDINANCE); CHANGING THE FUTURE LAND USE DESIGNATION ASSIGNED TO CERTAIN PROPERTY FROM HIGH DENSITY RESIDENTIAL TO OFFICE PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR EXCLUSION FROM CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Seminole County enacted Ordinance Number 08-44 which adopted the Seminole County Comprehensive Plan ("the Plan"), which Plan has been subsequently amended from time-to-time and in accordance with State law; and

WHEREAS, the Board of County Commissioners has followed the procedures set forth in Sections 163.3184 and 163.3187, Florida Statutes, in order to further amend certain provisions of the Plan as set forth herein relating to a Small Scale Development Amendment; and

WHEREAS, the Board of County Commissioners has substantially complied with the procedures set forth in the Implementation Element of the Plan regarding public participation; and

WHEREAS, the Seminole County Local Planning Agency held a Public Hearing, with all required public notice, on August 5, 2009, for the purpose of providing recommendations to the Board of County Commissioners with regard to the Plan amendment set forth herein; and

WHEREAS, the Board of County Commissioners held a Public Hearing on September 22, 2009, with all required public notice for the purpose of hearing and considering the recommendations and comments of the general public, the Local Planning Agency, other public agencies, and other jurisdictions prior to final action on the Plan amendment set forth herein; and

WHEREAS, the Board of County Commissioners hereby finds that the Plan, as amended by this Ordinance, is consistent and compliant with the provisions of State law including, but not limited to, Part II, Chapter 163, Florida Statutes, the State Comprehensive

Plan, and the Comprehensive Regional Policy Plan of the East Central Florida Regional Planning Council.

NOW, THEREFORE, BE IN ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA:

Section 1. RECITALS/LEGISLATIVE FINDINGS:

- (a) The above recitals are true and correct and form and include legislative findings which are a material part of this Ordinance.
- (b) The Board hereby determines that the economic impact statement referred to by the Seminole County Home Rule Charter is unnecessary and waived as to this Ordinance.

Section 2. AMENDMENT TO COUNTY COMPREHENSIVE PLAN FUTURE LAND USE DESIGNATION:

- (a) The Future Land Use Element's Future Land Use Map as set forth in Ordinance Number 08-44, as previously amended, is hereby further amended by amending the future land use designation assigned to the following property and which is depicted on the Future Land Use Map and further described in the attached Appendix "A" to this Ordinance:
- (b) The associated rezoning request was completed by means of Ordinance Number 09-_____.

Section 3. SEVERABILITY:

If any provision of this Ordinance or the application to any person or circumstance is held invalid, it is the intent of the Board of County Commissioners that the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application and, to this end, the provisions of this Ordinance are declared severable.

Section 4. EXCLUSION FROM COUNTY CODE/CODIFICATION:

- (a) It is the intent of the Board of County Commissioners that the provisions of this Ordinance shall not be codified into the Seminole County Code, but that the Code Codifier shall have liberal authority to codify this Ordinance as a separate document or as part of the Land Development Code of Seminole County in accordance with prior directions given to said Code Codifier.

(b) The Code Codifier is hereby granted broad and liberal authority to codify and edit the provisions of the Seminole County Comprehensive Plan, as amended.

Section 5. EFFECTIVE DATE:

(a) A certified copy of this Ordinance shall be provided to the Florida Department of State and the Florida Department of Community Affairs by the Clerk of the Board of County Commissioners in accordance with Section 125.66 and 163.3187, Florida Statutes.

(b) This ordinance shall take effect upon filing a copy of this Ordinance with the Department of State by the Clerk of the Board of County Commissioners; provided, however, that the effective date of the plan amendment set forth herein shall be thirty-one (31) days after the date of adoption by the Board of County Commissioners or, if challenged within thirty (30) days of adoption, when a final order is issued by the Florida Department of Community Affairs or the Administration Commission determining that the amendment is in compliance in accordance with Section 163.3184, Florida Statutes, whichever occurs earlier. No development orders, development permits, or land use dependent on an amendment may be issued or commence before an amendment has become effective. If a final order of noncompliance is issued by the Administration Commission, the affected amendment may nevertheless be made effective by the Board of County Commissioners adopting a resolution affirming its effective status, a copy of which resolution shall be provided to the Florida Department of Community Affairs, Bureau of Local Planning, 2555 Shumard Oak Blvd., Tallahassee, Florida 32399-2100 by the Clerk of the Board of County Commissioners.

ENACTED this _____ day of _____, 2009.

BOARD OF COUNTY COMMISSIONERS
OF SEMINOLE COUNTY, FLORIDA

By:_____

Bob Dallari, Chairman

APPENDIX A

LEGAL DESCRIPTION

LOTS 1 & 2 & E 1/2 OF VACD R/W ADJ ON W BLK 52 (LESS
E 15 FT FOR RD) AND LOT 22 & W 1/2 VACD R/W ADJ ON E
BLK 52 NORTH CHULUOTA PB 2 PGS 54 TO 58

AN ORDINANCE AMENDING, PURSUANT TO THE LAND DEVELOPMENT CODE OF SEMINOLE COUNTY, THE ZONING CLASSIFICATIONS ASSIGNED TO CERTAIN PROPERTY LOCATED IN SEMINOLE COUNTY (LENGTHY LEGAL DESCRIPTION ATTACHED AS EXHIBIT); ASSIGNING CERTAIN PROPERTY CURRENTLY ASSIGNED THE R-3 (MULTI-FAMILY RESIDENTIAL) ZONING CLASSIFICATION THE PUD (PLANNED UNIT DEVELOPMENT) ZONING CLASSIFICATION; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR EXCLUSION FROM CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA:

Section 1. LEGISLATIVE FINDINGS.

(a) The Board of County Commissioners hereby adopts and incorporates into this Ordinance as legislative findings the contents of the documents titled CJAM Office Rezone dated September 22, 2009.

(b) The Board hereby determines that the economic impact statement referred to by the Seminole County Home Rule Charter is unnecessary and waived as to this Ordinance.

Section 2. REZONINGS. The zoning classification assigned to the following described property is changed from R-3 (Multi-Family Residential) to PUD (Planned Unit Development).

SEE ATTACHED EXHIBIT A

Section 3. CODIFICATION. It is the intention of the Board of County Commissioners that the provisions of this Ordinance shall not be codified.

Section 4. SEVERABILITY. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, it is the intent of the Board of County Commissioners that the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

Section 5. EFFECTIVE DATE. A certified copy of this Ordinance shall be provided to the Florida Department of State by the Clerk of the Board of County Commissioners in accordance with Section 125.66, Florida Statutes, and this Ordinance shall be effective on the recording date of the Development Order # 08-20000003 in the Official Land Records of Seminole County.

ENACTED this 22nd day of September 2009.

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____
Bob Dallari, Chairman

EXHIBIT A

LEGAL DESCRIPTION

LOTS 1 & 2 & E 1/2 OF VACD R/W ADJ ON W BLK 52 (LESS
E 15 FT FOR RD) AND LOT 22 & W 1/2 VACD R/W ADJ ON E
BLK 52 NORTH CHULUOTA PB 2 PGS 54 TO 58

**MINUTES FOR THE SEMINOLE COUNTY
LAND PLANNING AGENCY/PLANNING AND ZONING COMMISSION
AUGUST 5, 2009**

Members present: Matthew Brown, Melanie Chase, Kimberly Day, Rob Wolf and Dudley Bates.

Members absent: Ben Tucker and Walt Eismann

Staff present: Alison Stettner, Planning Manager; Tina Williamson, Assistant Planning Manager; Kathleen Furey-Tran, Assistant County Attorney; Ian Sikonia, Senior Planner; Jeff Hopper, Senior Planner; Joy Williams, Planner; Lee Shaffer, Principal Engineer, Development Review Division; and Connie R. DeVasto, Clerk to the Planning and Zoning Commission.

Public Hearing Items:

C. CJAM Office Small Scale Land Use Amendment and Rezone; Jack Reynolds, applicant; .51 ± acres; Small Scale Land Use Amendment from High Density Residential (HDR) to Office (OFF) and Rezone from R-3 (Multi-Family Dwelling) to PUD (Planned Unit Development); located at the intersection of CR 419 and W 7th Street. (Z2008-10 / 08SS.09)

District 1 - Dallari
Joy Williams, Planner

Joy Williams with the Planning Division presented this item and stated that the CJAM Office Rezone and Small Scale Land Use Amendment is by applicant Jack Reynolds. This is a request for a Small Scale Land Use Amendment from High Density Residential (HDR) to Office (OFF) and Rezone from R-3 (Multi-Family Residential) to PUD (Planned Unit Development) on .51 acres located at the intersection of CR 419 and W 7th St.

The applicant proposes to develop a 2,500 sq ft professional office building that would allow for those uses permitted under the OP (Office) zoning district; such as dental, medical, and general office uses providing professional business services.

The adjacent properties have a High Density Residential Future Land Use and an R-3 (Multi-Family Residential) zoning classification. Per the Seminole County Comprehensive Plan; the proposed Office Future Land Use serves as an effective transitional use between High Density Residential Uses and low intensity non-residential office uses.

The applicant has proposed some modifications from the required active/passive buffer setback design standards; those modifications are provided in the table on pg. 8 of the staff report.

The subject site is within the Chuluota Non-Residential Design Area overlay and must meet all required design guidelines. Staff finds that the requested rezone and land use amendment are compatible with the surrounding uses and existing development patterns of the area; therefore, Staff recommends approval of this request and approval of the attached Preliminary Master Plan, subject to the conditions in the attached Development Order.

Jack Reynolds with JHR Consultants, spoke on behalf of the owners, and stated there is a Dentist who is interested in this property and they are eager to move this along and get the approval of the Commissioners.

Mr. Reynolds - they have read all of Staff's findings and recommendations and agree with Staff.

Commissioner Wolf - what would the buffer requirements have been before the applicant requested a change?

Mrs. Williams - on the north property line, adjacent to the existing residential, the required buffer would have been a 25' building setback with a 15' landscape buffer yard and a 6' brick or masonry wall with 5 canopy trees. The Applicants are proposing along this area, a 10' building setback with a 10' landscape buffer yard, 6' wood stockade fence and 8 canopy trees.

Commissioner Wolf – said he sees a section that references 20 canopy trees.

Mrs. Williams – along different portions of that north boundary, the Applicants will be providing a different number of trees.

Commissioner Wolf – asked if Staff looked at the property and feels that there is a sufficient number of trees to offset the setback?

Mrs. Williams – yes

No one spoke in favor or opposition of this request from the audience.

Mrs. Williams – pointed out the letter handed out prior to the beginning of this meeting which was received from Deborah Schafer in which she advised that the Chuluota Community Association, Inc. in a favor of this request.

Commissioner Bates made a motion to approve this request.

Commissioner Brown seconded the motion.

The motion passed 5 – 0.